

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SONIA POWELL,

Plaintiff,

v.

KING COUNTY, *et al.*,

Defendants.

Case No. C19-929RSM

ORDER DENYING MOTIONS TO
VACATE

This matter comes before the Court on Plaintiff Sonia Powell’s “Motion to Vacate,” Dkt. #36, and Second “Motion to Vacate,” Dkt. #37. Ms. Powell “appeals” the Court’s Order yesterday denying her Motion to Continue the deadline for responding to Defendants’ Motions to Dismiss. In these Motions, nearly identical, Ms. Powell argues that: a) she did not violate Local Civil Rule 7(j) because her Motion to Continue was filed within the period of time permitted by that rule; b) she is “entitled to support her position with evidence, which she is barred from doing today due to the pandemic and circumstances of this case;” and c) the undersigned judge is disqualified and unfit to hear this or any other case and must recuse himself in order to proceed. Dkts. #36 and #37. Ms. Powell argues that “[t]here are physical items in question that support her position located in Washington State” and that she is barred from traveling to Washington State by an executive order of the governor of New York, where she lives. Dkt. #37 at 2. Ms. Powell does not state what this evidence is or provide any

1 supporting argument addressing how this evidence would interact with the pending Motions to
2 Dismiss or why her inability to obtain this evidence would warrant her requested relief.

3 Ms. Powell styles her filings as motions to vacate under “FRCP (b)(4) and CR (5).”
4 These are not proper citations to the rules. Based on her arguments, the Court will interpret her
5 Motions as motions for reconsideration and note them for same-day consideration. *See* LCR
6 7(h); 7(d)(1). The Court need not wait for a response brief before ruling on a Motion for
7 Reconsideration. LCR 7(h)(3). “Motions for reconsideration are disfavored.” LCR 7(h)(1).
8 “The court will ordinarily deny such motions in the absence of a showing of manifest error in
9 the prior ruling or a showing of new facts or legal authority which could not have been brought
10 to its attention earlier with reasonable diligence.” *Id.*

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13 The Court understands what Ms. Powell is hoping to achieve with these Motions and
14 her underlying Motion to Continue, however the Court continues to find that Ms. Powell’s
15 Motion to Continue violated Local Civil Rule 7(j) because it was not filed “sufficiently in
16 advance of the deadline to allow the court to rule on the motion prior to the deadline.” It was
17 not filed in advance of the deadline at all; it was filed on the deadline. Even if it had been filed
18 one or two days prior there would have been no guarantee that the Court would be able to set
19 aside its other matters and address the motion prior to Ms. Powell’s deadline to respond.
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21 Ms. Powell’s asserts that she has been unable to present her evidence; the Court
22 continues to find this vague and insufficient to constitute good cause for an extension of the
23 deadline. Ms. Powell has not articulated what evidence she needs to gather or why such is
24 necessary to oppose the pending Motions to Dismiss. In any event, she has not demonstrated
25 now why she could not have brought such to the Court’s attention earlier with reasonable
26 diligence, as she is required to do.
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1 Finally, the Court has already ruled on Ms. Powell's prior Motion to Disqualify, Dkt.
2 #14, in its Order at Dkt. #18. This decision not to recuse was affirmed by separate order of
3 Judge Benjamin Settle, pursuant to Local Civil Rule 3(e). Dkt. #19. Now Ms. Powell raises
4 the issue again, but only by citing to her prior Motion to Disqualify and by taking an
5 unsupported swipe at Judge Settle who affirmed the Court's decision not to recuse. *See* Dkt.
6 #37 at 2 ("...the court refused and referred its denial to Judge Benjamin Settle for support,
7 whom the plaintiff suspects Judge Martinez knew to be very troubled and bigoted."). Finding
8 that Ms. Powell has presented no further evidence or argument of bias, the Court will not revisit
9 this issue.
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11 Given all of the above, the Court finds that Ms. Powell has provided no evidence or
12 legal argument to show that the Court's prior order was in error. Having reviewed the relevant
13 briefing and the remainder of the record, the Court hereby finds and ORDERS that Ms.
14 Powell's Motions to Vacate, Dkts. #36 and #37, are DENIED.
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16 DATED this 12th day of June, 2020.
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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE
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